

STATE OF CALIFORNIA
STATE AND CONSUMER SERVICES AGENCY
CALIFORNIA BUILDING STANDARDS COMMISSION
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SACRAMENTO, CA 95833
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Office Use Item No. _____

PARTICIPATION COMMENTS FOR THE NOTICE DATED AUGUST 31, 2012
Written comments are to be sent to the above address.

WRITTEN COMMENT DEADLINE: OCTOBER 15, 2012

Date: October 15, 2012

From:

Gregg Achman
Name (Print or type)


(Signature)

-- Hearth & Home Technologies, Inc.
Agency, jurisdiction, chapter, company, association, individual, etc.

<u>7571 215th St. W.</u>	<u>Lakeville</u>	<u>MN</u>	<u>55077</u>
Street	City	State	Zip

We do not agree with: California Building Standards Commission

☐ The Agency proposed modifications As Submitted on Section No. 5.503

and request that this section or reference provision be recommended:

☐ Approved ☐ Disapproved ☐ Held for Further Study ☒ Approved as Amended

Suggested Revisions to the Text of the Regulations:

SECTION 5.503

FIREPLACES, WOODSTOVES AND FUEL BURNING APPLIANCES

5.503.1 General. Install only a direct-vent sealed-combustion gas or sealed wood-burning fireplace, or a sealed woodstove or pellet stove, and refer to residential requirements in the California Energy Code, Title 24, Part 6, Subchapter 7, Section 150. Woodstoves, pellet stoves and fireplaces shall comply with applicable local ordinances.

5.503.1.1 Woodstoves. Woodstoves and pellet stove shall comply with U.S. EPA Phase II emission limits where applicable.

5.503.1 General. Woodstoves, gas fireplaces, pellet stoves and fireplaces shall comply with applicable local ordinances and be installed in accordance with manufacturer's installation instructions.

~~5.503.2 Gas fireplaces. A decorative gas appliance shall be a fuel-burning appliance with a sealed combustion system that draws all air for combustion from the outside atmosphere, discharges all flue gases to the outside atmosphere and shall be listed in accordance with ANSI Z21.50/CSA2.22. Gas fireplace heaters shall be direct-vent appliances and shall be listed in accordance with ANSI Z21.88/CSA2.33.~~

~~5.503.3 Wood burning appliances. Fireplace inserts and woodstoves shall be listed in accordance with UL 1482 and shall be certified in accordance with the requirements of the EPA Standards of Performance for New Residential Wood Heaters, Title 40 CFR Part 60 Subpart AAA.~~

~~5.503.4 Factory-built fireplaces. Factory-built fireplaces shall be listed in accordance with UL 127.~~

~~Note: For the purposes of this section, factory-built fireplaces shall include, but not be limited to, prefabricated metal "zero clearance" fireboxes and prefabricated blocks of reinforced precast lightweight concrete masonry or refractory masonry, which are assembled in the field using grout and mortar specified by the manufacturer.~~

~~5.503.4.1 Wood burning factory-built fireplaces. Wood burning factory-built fireplaces shall be qualified at the U.S. EPA's Voluntary Fireplace Program Phase 2 emissions level of 5.4 g/kg of wood burned.~~

~~5.503.5 Pellet stoves. Automatic feed, pellet fuel-burning room heaters that are intended to burn wood pellets or other suitable solid fuel shall be tested and listed in accordance with ASTM E1509-04.~~

Reason:

The HCD is not going forward with any new proposed language with respect to CALGreen section 4.503 (residential fireplaces), therefore, we see no reason to add new language/coverage to CALGreen section 5.503. Leave the wording as it is written today.

Note: It also complies with Section 18930.(a).(4) and (5) of the Health & Safety Code.

HEALTH & SAFETY CODE SECTION 18930

SECTION 18930. APPROVAL OR ADOPTION OF BUILDING STANDARDS; ANALYSIS AND CRITERIA; REVIEW CONSIDERATIONS; FACTUAL DETERMINATIONS

- (a) Any building standard adopted or proposed by state agencies shall be submitted to, and approved or adopted by, the California Building Standards Commission prior to codification. Prior to submission to the commission, building standards shall be adopted in compliance with the procedures specified in Article 5 (commencing with Section 11346) of Chapter 3.5 of Part 1 of Division 3 of Title 2 of the Government Code. Building standards adopted by state agencies and submitted to the commission for approval shall be accompanied by an analysis written by the adopting agency or state agency that proposes the building standards which shall, to the satisfaction of the commission, justify the approval thereof in terms of the following criteria:
- (1) The proposed building standards do not conflict with, overlap, or duplicate other building standards.
 - (2) The proposed building standard is within the parameters established by enabling legislation and is not expressly within the exclusive jurisdiction of another agency.
 - (3) The public interest requires the adoption of the building standards.
 - (4) The proposed building standard is not unreasonable, arbitrary, unfair, or capricious, in whole or in part.
 - (5) The cost to the public is reasonable, based on the overall benefit to be derived from the building standards.
 - (6) The proposed building standard is not unnecessarily ambiguous or vague, in whole or in part.
 - (7) The applicable national specifications, published standards, and model codes have been incorporated therein as provided in this part, where appropriate.
 - (A) If a national specification, published standard, or model code does not adequately address the goals of the state agency, a statement defining the inadequacy shall accompany the proposed building standard when submitted to the commission.
 - (B) If there is no national specification, published standard, or model code that is relevant to the proposed building standard, the state agency shall prepare a statement informing the commission and submit that statement with the proposed building standard.
 - (8) The format of the proposed building standards is consistent with that adopted by the commission.
 - (9) The proposed building standard, if it promotes fire and panic safety as determined by the State Fire Marshal, has the written approval of the State Fire Marshal.